

1894-005
Lee Co.

Chancery Causes: John M. Johnson vs. Nelson Lunsford + wife

Ward

CA-Estate Dispute

T-Property

To the Honorable, H. S. K. Morrison Judge of
the Circuit-Court for Lee County Virginia;
Humbly Complaining, sheweth
unto your honor, your Orator, John
M. Johnson, that in the partition of the
real estate of the late Samuel Ward
deceased, among his heirs-at-law, there
was assigned to W. J. H. Ward and
Catharine Lunsford wife of Nelson
Lunsford, ~~nee~~ Catharine Ward,
lots nos 13 & 14, lying in the Wild Cat
Valley in Lee County Virginia, upon
which is situated what is known as
the "Ward Mill Property"; that in con-
nection with said Mill, other rights
land, Spring, water etc, are included
as is shown by the Commissioner's report
in said partition. A copy of the
said assignment of the said lots in
said partition is herewith filed Marked
"A" and prayed to be herewith consid-
ered.

Your Orator will now show your Honor
that the said W. J. H. Ward and
wife sold and conveyed their
undivided one half interest in said
Ward Mill Property to one William
Young, and that on the 31st day of May
1888 made and executed the deed to
said Young for the same. Said deed
is duly admitted to record in the clerk's
office of the Lee County Court, in

1 deed book no, 23, page 442, A Copy of
2 said deed is herewith filed marked "B",
3 and prayed to be herewith considered,

4 Your orator will further show
5 your honor, that the said William
6 ^{and Fannie R Young his wife} Young, on the 15th day of August
7 1889 sold and conveyed by deed
8 of said date their undivided one half
9 interest in said Word Mill Property
10 to him, your orator, Said deed
11 refers to the deed from W. J. H. Word
12 & wife to said Young, and to said
13 Commissioners report for a particular
14 and complete description of the interest
15 in said property conveyed by said
16 Young to your orator, Said deed
17 is duly admitted to record in the
18 Clerk's office of the Lee County
19 Court, in deed no 24 page 394,
20 A copy of said deed is herewith filed
21 marked "C" and prayed to be herewith
22 considered.

23 Your orator now alleges that he is
24 still the fee-simple owner of an
25 undivided one half interest in said
26 Word Mill Property, and that the
27 said Nelson Lunsford and Catha-
28 rine Lunsford his wife are the
29 owners of the other undivided
30 one half interest in the same.

31 Your orator here alleges
32 that the said Word Mill property

is not susceptible of partition in kind
and therefore asks that the same
be sold and the proceeds thereof
be divided between your orator
and the said Nelson Lunsford
and Catharine Lunsford his wife
according to their respective
interests.

The prayer of your orator
therefore is that the said Nelson
Lunsford and Catharine Lunsford
his wife may be made parties def
endant to this bill, and required
on their oaths to answer the same;
that the said Ward Mill
property be sold and the pro
ceeds thereof be divided between
your orator and the said Nelson
Lunsford and Catharine Lunsford
his wife according to their respec
tive interests, that process issue
directed etc; and that all such
other further and general relief
as in the premises may be just
and right may be granted.
And your orator will ever pray
etc.

Richmonds & Sewell
P. G.

~~A.C. 12.08 to June 1893~~
~~Estimate~~
~~A 15.00~~
~~S 1.00~~
~~\$32.00~~

^{paid}
 A.C. 12.08 to June 1893
 M.C. 1.84
 S 1.00
 A 15.00
 \$29.92
 M.C. \$1.84 to

November Term 1894
 Decree final see
 Order Book Page 105

John M. Johnson
 vs. ~~Ellen Chey~~ - For Sale
Nelson Lunsford wife

1890 2nd July Rules Bill
 filed, Spu Exd & D. M.
 " 1st Aug. Rules D. M.
 Cause & Court
 " 2nd Aug. Rules Cause
 set for hearing by D. M.
 " Nov. continued
 1891 Court Mid Year
 1892 Mar. Apr. June Court

"
 November Term 1894
 Decree final see
 Order Book Page 105
 Munday Clerk #1.88

John M. Johnson Plff.

vs

Nelson Simpson & Wife Dfs } In
Chancery

On the calling of this
cause on motion of
the plaintiff this cause
is dismissed at his costs,
but without prejudice
to the rights of the said
plaintiff.

John M. Johnson.
do { Record
for dismissal

Nelson Linford wife

Enter in Chy
Q.B. Page 105

Enter this,
M L M
November 16th 1894,

1 John M. Johnson -
2 75- Secree
3 Wilson Lumsford et al

4
5 This cause came on this day
6 to be heard upon the bill and
7 argument of counsel and it
8 appearing to the Court that
9 process has been duly executed
10 upon the defendants and they
11 each failing to appear and
12 either demand answer or plead
13 thereto, the bill is as to each
14 of them taken for confessed.
15 On consideration whereof,
16 it is adjudged, ordered, and
17 decreed, that the mill property
18 commonly known as Wards
19 Mill in the bill and proceed-
20 ings mentioned be sold for ¹¹³
21 cash in hand to the highest
22 bidder at public vendue
23 at the front door of the
24 Court House of Lee County
25 to on a Court day after
26 posting written notices on
27 the front door of the Court
28 House and at two or more
29 public places in the neigh-
30 barhood where the said
31 mill property is situated,
32 of the time, terms, and place

of sale. That notice thereof shall be given at least thirty days before the day of sale, that C. H. Sewell, is appointed a special commissioner to execute this decree upon giving bond before the clerk of this court in the sum of two thousand dollars, as required by law. And the cause is continued.

John M. Gurnea
vs. Decree
Melson Lumsford et al

Entered in C. H. S. B. K.

Page 278079

John M. Gurnea

Enter this
17th

Sept 2nd 1881

Charge for copy 1/18

KNOW ALL MEN BY THESE PRESENTS, That we

B. D. Sewell
and J. R. Gibson

are held and firmly bound unto the Commonwealth of Virginia, in the sum of

Two Thousand dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of United States. Sealed with our seals, and dated *11th* day of *August*, one thousand eight hundred and *Ninety two*

The Condition of The Above Obligation is Such, That if the above bound

B. D. Sewell
shall faithfully perform the duties of *his* office or trust, as *as*

Commissioner
under a decree of the Circuit Court of the County of Lee, pronounced on the *2nd* day of *Sept*, 18*90*, in the suit therein depending under the name and style of *John M. Johnson* Plaintiff vs. *Nelson Lunsford* Defendant

and properly account for all sums of money *he* may receive as such *Commissioner*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

B. D. Sewell (SEAL.)

J. R. Gibson (SEAL.)

(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day *John R. Gibson*
suret on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit Court of the County of Lee, that *he has* estate after the payment of all *his* just debts, and those for which *he is* bound as securit for others, and expect to have to pay *is* worth the sum of *Two thousand* dollars.

Given under my hand this *11th* day of *Aug* 18*92*.

Teste: *J. A. G. Hyatt* Clerk.

J. M. Johnson
vs 3 Bonds
Weldon Lumsford

Filed Dec 11/1892
J. A. Hyatt

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Nelson Lunsford &
Catherine Lunsford his wife,*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the ^{2^d} Monday
in *July* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *John M. Johnson*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *11th* day of *July* 1890, in the 11⁵ year of the Commonwealth.

John R. Gibson Clerk.

A Copy Teste

J. M. Johnson
20 } Spa in sky.

Nelson - Lunsford

July Rules 1890

Executed July
the 20 1890 by
delivering a true
copy of the within
to Nelson June
-ford gone to his
Wife P. M. Reason
Dept. for & B. m. l. c.
S. L. C.